IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No 3951 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE B.J.SHETHNA

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

JAYESH CHANDULAL ABHANI

Versus

STATE OF GUJARAT

Appearance:

MR KB ANANDJIWALA for Petitioners

MR ND GOHIL APP for Respondent No. 1

MR JM BUDDHBHATTI for Respondent No. 2

CORAM : MR.JUSTICE B.J.SHETHNA

Date of decision: 19/06/2001

ORAL JUDGEMENT

#. Respondent No.2-Nitaben, wife of Trupesh Abhani lodged FIR being CR No. I 50/2000 at Ghatlodia Police

Station against her husband Trupesh and six others including the present applicants-accused.

#. Accused applicant No.1-Jayseh is the elder brother of Trupesh-husband of respondent No.2. The applicant-accused No.2-Bhartiben is wife of Jayesh, applicant No.1.

#. The Investigating Officer, Mr.G.H.Deriya is present before the court.

#. Having heard learned counsel Shri M.R.Barot for the respondent-complainant and learned APP Shri Gohil, I am of the considered opinion that the impugned FIR lodged by the respondent No.2-complainant, present applicants-accused, one of the accused is practising advocate is required to be quashed without assigning any reasons as requested by the learned counsel for the parties because any view expressed by this court may affect the ultimate investigation and the trial against the rest of the accused.

#. In view of the above discussion, this application is allowed and the impugned FIR bearing No.CR. No. I 50/2000 lodged by the respondent No.2-Nitaben before Ghatlodia Police Station against the present applicants-accused Jayesh Chandulal Abhani and his wife Bhartiben Jayesh Abhani is quashed qua them only.

#. The police is permitted to further investigate the case against rest of the accused named in the FIR and proceed in accordance with law. Rule is made absolute in aforesaid terms.

(B.J.Shethna, J.)
*Pvv